

FORM 26. Docketing Statement

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July 2020

# UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

## DOCKETING STATEMENT

**Case Number:** 2022-1258, 2022-1307

**Short Case Caption:** Janssen Pharmaceuticals, Inc. v. Teva Pharmaceuticals USA, Inc.

**Filing Party/Entity:** Mylan Laboratories Ltd.

**Instructions:** Complete each section or check the box if a section is intentionally blank or not applicable. Attach additional pages as needed. Refer to the court's Mediation Guidelines for filing requirements. An amended docketing statement is required for each new appeal or cross-appeal consolidated after first filing.

Case Origin	Originating Number	Type of Case
District of New Jersey	2:19-cv-16484	Patent Infringement

Relief sought on appeal: ☐ None/Not Applicable

Reversal of Final Judgment and all underlying findings, orders, and decisions.

Relief awarded below (if damages, specify): ☒ None/Not Applicable

**Briefly describe the judgment/order appealed from:**

On Dec. 22, 2021, the district court adopted the reasoning of its Oct. 8, 2021 opinion in Janssen Pharmaceuticals, Inc. v. Teva Pharmaceuticals USA, Inc., DNJ No. 2:18-cv-00734 and entered judgment in favor of Janssen Pharmaceuticals, Inc. and against Mylan Laboratories Ltd. on all claims and counterclaims with respect to infringement and validity of United States Patent No. 9,439,906 ("the '906 patent") and Mylan Laboratories Ltd.'s products that are the subject of ANDA No. 213124. The Oct. 8, 2021 order concluded that the claims of the '906 patent are not invalid for obviousness, lack of written description, and indefiniteness.

Nature of judgment (select one):

Date of judgment: 12/22/21

☒ Final Judgment, 28 USC § 1295

☐ Rule 54(b)

☐ Interlocutory Order (specify type) \_\_\_\_\_

☐ Other (explain) \_\_\_\_\_

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Name and docket number of any related cases pending before this court, and the name of the writing judge if an opinion was issued. ☐ None/Not Applicable

Mylan Laboratories Ltd. v. Janssen Pharmaceutica, N.V., CAFC No. 21-1071 (Moore, C.J.)  
(cert. petition filed)

Issues to be raised on appeal: ☐ None/Not Applicable

Whether the district court erred in finding the claims of the '906 patent are not invalid for obviousness, lack of written description, and indefiniteness. Whether the district court erred in ordering that the United States Patent and Trademark Office to correct the inventorship of the '906 patent under 35 U.S.C. Sec. 256(b) to add Srihari Gopal and Mahesh Samtani as inventors.

Have there been discussions with other parties relating to settlement of this case?

☐ Yes ☒ No

If "yes," when were the last such discussions?

- ☐ Before the case was filed below  
☐ During the pendency of the case below  
☐ Following the judgment/order appealed from

If "yes," were the settlement discussions mediated? ☐ Yes ☐ No

If they were mediated, by whom?

Do you believe that this case may be amenable to mediation? ☐ Yes ☒ No

Explain.

Mylan Laboratories Ltd. does not believe mediation would resolve this case, in light of the issues on appeal and the posture of the various aspects of the litigation related to the '906 patent.

Provide any other information relevant to the inclusion of this case in the court's mediation program.

Date: 1/11/22 Signature: /s/ Deepro R. Mukerjee

Name: Deepro R. Mukerjee

### **CERTIFICATE OF SERVICE**

I hereby certify that I caused a copy of the forgoing document to be filed on January 11, 2022, with the Clerk of the Court for the United States Court of Appeals for the Federal Circuit using the Court's CM/ECF system, which will send a notice of electronic filing to all attorneys appearing in this matter.

/s/ Deepro R. Mukerjee